

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Pro Coatings, Inc.)	FINDING OF VIOLATION
Sparta, Michigan)	
)	EPA-5-04-MI-04
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Pro Coatings, Inc. (Pro Coatings) is violating Sections 183 and 111(e) of the Clean Air Act (Act), 42 U.S.C. §§ 7511b and 7411(e). Specifically, Pro Coatings is violating the National Volatile Organic Compound Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D as follows:

Regulatory Authority

1. Section 183(e) of the Act, 42 U.S.C. § 7511b(e), authorizes U.S. EPA to promulgate regulations establishing requirements regarding the manufacture of certain consumer or commercial products, the use of which may result in the release of volatile organic compounds (VOCs).
2. Pursuant to Section 183(e) of the Act, 42 U.S.C. § 7511b(e), on September 11, 1998, U.S. EPA promulgated National Volatile Organic Compound Emission Standards for Architectural Coatings at 40 C.F.R. Part 59, Subpart D.
3. The NESHAP, at 40 C.F.R. § 59.408(b), requires each manufacturer and importer of any architectural coating subject to Subpart D to submit an initial notification report no later than September 13, 1999 or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later.
4. 40 C.F.R. § 59.402(a) requires that each manufacturer and

importer of any architectural coating subject to Subpart D ensure that the VOC content of the coating does not exceed the applicable limit in Table 1 of Subpart D of the Architectural Coating Regulations (Table 1 of Subpart D).

5. 40 C.F.R. § 59.405(a)(2) requires each manufacturer and importer of any architectural coating subject to Subpart D to provide on the label or lid of the container in which they sell or distribute the coating, the manufacturer's recommendation regarding thinning of the coating, including if appropriate, specifying that the coating is to be applied without thinning.
6. 40 C.F.R. § 59.405(a)(3) requires each manufacturer and importer of any architectural coating subject to Subpart D to display the VOC content of the coating on the label or lid of the container in which they sell or distribute the coating. The VOC content must be indicated either as the actual VOC content of the coating or the VOC content limit with which the coating is required to comply, and does comply.

Factual Background

7. Pro Coatings owns and operates an architectural coating manufacturing facility at 233 ½ Prospect Street, Sparta, Michigan.
8. Pro Coatings manufactured and distributed coatings between September 13, 1999 and December 31, 2002, including but not limited to those listed in Table A. The coatings listed in Table A are recommended for field application to stationary structures and their appurtenances.

Table A. Architectural Coatings Produced by Pro Coatings From September 13, 1999 through December 31, 2002.

Pro Coatings Coating Name	Years Produced	VOC Limit (g/l)	VOC Actual (g/l)	Category from Table 1, Subpart D
Lifetime	1999, 2000, 2001, 2002	600	667	Waterproofing and Sealers
ST7300	1999, 2000, 2001, 2002	550	838	Stain - Clear
3700 Rustic Stain Solid Color Latex	1999, 2000, 2001, 2002	350	550	Stain - Opaque

9. Since September 13, 1999, Pro Coatings has manufactured and distributed "architectural coatings," as defined in 40 C.F.R. § 59.401.
10. Pro Coatings has not submitted an initial notification report.
11. "Lifetime," is a "waterproofing sealer and treatment," as that phrase is defined at 40 C.F.R. § 59.401.
12. The VOC content limit for waterproofing sealer and treatments, as stated in Table 1 of Subpart D, is 600 grams of VOC per liter of coating.
13. "ST7300," is "clear" and a "stain," as those terms are defined at 40 C.F.R. § 59.401.
14. The VOC content limit for clear and semitransparent stains, as stated in Table 1 of Subpart D, is 550 grams of VOC per liter of coating.
15. "3700 Rustic Stain Solid Color Latex," is "opaque" and a "stain," as those terms are defined at 40 C.F.R. § 59.401.
16. The VOC content limit for opaque stains, as stated in Table 1 of Subpart D, is 350 grams of VOC per liter of coating.

**Table B. Coatings Manufactured and Labeled by Pro Coatings,
Sparta, MI**

Company Identified on Label	Name of Product	Correct Thinning Info.	VOC Content Displayed Correctly
Pro Coatings	Tough Stuff UR 2550	No	Yes
Coatings International	ST7400	No	No
	ST7440 Cedar	No	No
	ST7450 Dark Cedar	No	No
	ST7460 Dove Gray	No	No
	Wood Stain S-40 Cedar	No	No
	Wood Stain S-50 Dark Cedar	No	No
	ST7200	No	No
	ST7300	No	No
	Lifetime	No	No
	AC5000	No	No
	UR2550 Urethane Part A	No	No
	UR2550 Urethane Part B	No	No
	UR2650 Urethane Part A	No	No
	UR2650 Urethane Part B	No	No
	UR2750 Urethane Part A	No	No
	UR2750 Urethane Part B	No	No
	AC5600	No	No
	AC5900	No	No
	AC8020	No	No
	PR3800	No	No
	AC505	No	No
	AC5300	No	No
	AC5300 Textured	No	No
	AC5500	No	No

Company Identified on Label	Name of Product	Correct Thinning Info.	VOC Content Displayed Correctly
	UR1600	No	No
	UR1650	No	No
	UR1900	No	No
Technical Roofing Solutions	WB 80	No	Yes
	Hydra-Block	No	Yes

17. Pro Coatings did not provide proper thinning recommendations on the labels or lids of the containers for the coatings indicated in Table B by a "No" under the column titled "Correct Thinning Info."
18. Pro Coatings did not provide the VOC content on the labels or lids of the containers for the coatings indicated in Table B by a "No" under the column titled "VOC Content Displayed."
19. Pro Coatings did not submit exceedance fees for the production of any of its architectural coatings listed in Table A by March 1 following the calendar year in which the coatings were manufactured or imported.
20. Pro Coatings did not designate a limited quantity of coatings to be exempt from the VOC content limits in a manner consistent with 40 C.F.R. § 59.404.

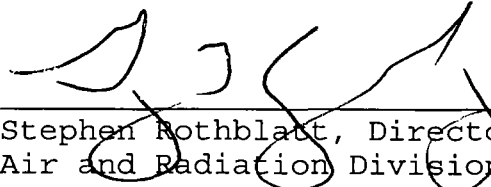
Violations

21. Pro Coatings is in violation of 40 C.F.R. § 59.408(b) by failing to submit an initial notification report by September 13, 1999.
22. Since September 13, 1999, Pro Coatings has violated 40 C.F.R. § 59.402(a) by failing to ensure that the VOC content of the coatings listed in Table A above, comply with the VOC content limits in Table 1 of Subpart D.

23. Since September 13, 1999, Pro Coatings has violated 40 C.F.R. § 59.405(a)(2) by failing to provide a written statement of its recommendation on thinning on the containers for the coatings listed with a "No" in the column title "Correct Thinning Info." in Table B above.
24. Since September 13, 1999, Pro Coatings has violated 40 C.F.R. § 59.405(a)(3) by failing to provide a written statement of the VOC content on the containers for the coatings listed with a "No" in the column titled "VOC Content Displayed" in Table B above.

3/29/04

Date

 **ALTMG**
Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-MI-04, by Certified Mail, Return Receipt Requested, to:

N. Ronald Rider, President
Pro Coatings, Inc.
233 ½ Street
Sparta, Michigan 55423

I also certify that I sent copies of the Finding of Violation by first class mail to:

Heidi Hollenbach, Supervisor
Michigan Department of Environmental Quality
Grand Rapids District Office
350 Ottawa N.W., Unit 10
Grand Rapids, Michigan 49503-2341

Thomas Hess, Enforcement Unit Supervisor
Air Quality Division
Michigan Department of Environmental Quality
525 W. Allegan Street
P.O. Box 30473
Lansing, Michigan 48909-7973

on the 30th day of March, 2004.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000615648030